
By: **Delegates Proctor, James, Howard, and Vallario**
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Committee Report: Favorable with amendments
House action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Retirement and Pensions - Reemployment of Retirees**

3 FOR the purpose of altering the criteria for hiring certain retirees of the Employees'
4 Retirement System, Employees' Pension System, the Teachers' Retirement
5 System, or the Teachers' Pension System; requiring that certain retirees of the
6 Teachers' Retirement System or the Teachers' Pension System who are rehired
7 by certain employers return to work in certain schools or teach certain subjects;
8 requiring certain superintendents of local school systems to submit a certain
9 report to the State Board of Education by a certain date; providing that certain
10 retirees of the Employees' Retirement System, the Teachers' Retirement System,
11 the Employees' Pension System, or Teachers' Pension System may not be rehired
12 by certain employers within a certain period of time from the date when the
13 retirees retired; repealing the requirement that the State Board of Education
14 provide the county boards of education with certain information regarding
15 reconstituted schools; requiring the State Superintendent of Schools and the
16 Secretary of Health and Mental Hygiene to submit certain reports by a certain
17 date to certain committees; altering the termination dates for certain provisions
18 of law that allow certain retirees to be reemployed by certain employers without
19 having an earnings limitation imposed on their retirement benefit; providing for
20 the application of this Act; and generally relating to the reemployment of
21 retirees.

22 BY repealing and reenacting, with amendments,
23 Article - State Personnel and Pensions
24 Section 22-406 and 23-407
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 2003 Supplement)

1 BY repealing and reenacting, with amendments,
2 Chapter 518 of the Acts of the General Assembly of 1999
3 Section 3

4 BY repealing and reenacting, with amendments,
5 Chapter 245 of the Acts of the General Assembly of 2000
6 Section 3

7 BY repealing and reenacting, with amendments,
8 Chapter 732 of the Acts of the General Assembly of 2001
9 Section 2

10 BY repealing and reenacting, with amendments,
11 Chapter 733 of the Acts of the General Assembly of 2001
12 Section 3

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - State Personnel and Pensions**

16 22-406.

17 (a) An individual who is receiving a service retirement allowance or vested
18 allowance may accept employment with a participating employer on a permanent,
19 temporary, or contractual basis, if:

20 (1) the individual immediately notifies the Board of Trustees of the
21 individual's intention to accept this employment; and

22 (2) the individual specifies the compensation to be received.

23 (b) (1) The Board of Trustees shall reduce the allowance of an individual
24 who accepts employment as provided under subsection (a) of this section if:

25 (i) the individual's current employer is a participating employer
26 other than the State and is the same participating employer that employed the
27 individual at the time of the individual's last separation from employment with a
28 participating employer before the individual commenced receiving a service
29 retirement allowance or vested allowance;

30 (ii) the individual's current employer is any unit of State
31 government and the individual's employer at the time of the individual's last
32 separation from employment with the State before the individual commenced
33 receiving a service retirement allowance or vested allowance was also a unit of State
34 government; or

1 (iii) the individual becomes reemployed within 12 months of
2 receiving an early service retirement allowance under § 22-402 of this subtitle.

3 (2) The reduction required under paragraph (1) of this subsection shall
4 equal:

5 (i) the amount by which the sum of the individual's initial annual
6 basic allowance and the individual's annual compensation exceeds the average final
7 compensation used to compute the basic allowance; or

8 (ii) for a retiree who retired under the Workforce Reduction Act
9 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual
10 compensation and the retiree's annual basic allowance at the time of retirement,
11 including the incentive provided by the Workforce Reduction Act, exceeds the average
12 final compensation used to compute the basic allowance.

13 (3) A reduction of an early service retirement allowance under paragraph
14 (1)(iii) of this subsection shall be applied only until the individual has received an
15 allowance for 12 months.

16 (4) Except for an individual whose allowance is subject to a reduction as
17 provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an
18 allowance under this subsection does not apply to:

19 (i) an individual who has been retired for more than 10 years;

20 (ii) an individual whose average final compensation was less than
21 \$10,000 and who is reemployed on a temporary or contractual basis;

22 (iii) an individual who is serving in an elected position as an official
23 of a participating governmental unit or as a constitutional officer for a county that is
24 a participating governmental unit;

25 (iv) a retiree of the Teachers' Retirement System:

26 1. who retired and was reemployed by a participating
27 employer other than the State on or before September 30, 1994; and

28 2. whose employment compensation does not derive, in whole
29 or in part, from State funds;

30 (v) a retiree of the Teachers' Retirement System who:

31 1. is or has been certified to teach in the State, IN ENGLISH,
32 READING, MATH, SCIENCE, A FOREIGN LANGUAGE, CIVICS AND GOVERNMENT,
33 ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND LANGUAGE, SPECIAL
34 EDUCATION, OR ELEMENTARY EDUCATION;

35 2. has verification of satisfactory or better performance in
36 the last assignment prior to retirement;

1 3. based on the retired teacher's qualifications, has been
2 appointed in accordance with § 4-103 of the Education Article; AND

3 4. subject to item 5 of this item is employed as:

4 A. a substitute classroom teacher or substitute teacher
5 mentor in a public school that has been recommended for reconstitution, or has been
6 reconstituted, by the State Board of Education, until the public school meets the
7 standards for school performance set by the State Board of Education;

8 B. a classroom teacher or teacher mentor in a public school
9 that has been recommended for reconstitution, or has been reconstituted, by the State
10 Board of Education, until the public school meets the standards for school
11 performance set by the State Board of Education;

12 C. a classroom teacher or teacher mentor in a county [or
13 subject area on a statewide basis] in which the State Board of Education finds that
14 there is a shortage of teachers, until the State Board of Education finds the shortage
15 no longer exists in that county or subject area on a statewide basis; [or]

16 D. a substitute classroom teacher or substitute teacher
17 mentor in a county [or subject area on a statewide basis] in which the State Board of
18 Education finds that there is a shortage of teachers, until the State Board of
19 Education finds the shortage no longer exists in that county [or subject area on a
20 statewide basis];

21 E. ~~A CLASSROOM TEACHER OR TEACHER MENTOR IN~~
22 ~~READING, MATH, SCIENCE, A FOREIGN LANGUAGE, SPECIAL EDUCATION, OR~~
23 ~~ELEMENTARY EDUCATION, IF THE STATE BOARD OF EDUCATION FINDS THAT THERE~~
24 ~~IS A SHORTAGE OF TEACHERS IN THESE SUBJECT AREAS, AND UNTIL THE STATE~~
25 ~~BOARD OF EDUCATION FINDS THE SHORTAGE NO LONGER EXISTS IN THAT SUBJECT~~
26 ~~AREA ON A STATEWIDE BASIS; OR~~

27 F. ~~A SUBSTITUTE CLASSROOM TEACHER OR SUBSTITUTE~~
28 ~~TEACHER MENTOR IN READING, MATH, SCIENCE, A FOREIGN LANGUAGE, SPECIAL~~
29 ~~EDUCATION, OR ELEMENTARY EDUCATION, IF THE STATE BOARD OF EDUCATION~~
30 ~~FINDS THAT THERE IS A SHORTAGE OF TEACHERS IN THESE SUBJECT AREAS, AND~~
31 ~~UNTIL THE STATE BOARD OF EDUCATION FINDS THE SHORTAGE NO LONGER EXISTS~~
32 ~~IN THAT SUBJECT AREA ON A STATEWIDE BASIS; and~~

33 ~~5.~~ 4. receives verification of satisfactory or better
34 performance each year the teacher is employed under ~~item 4 of this item~~ PARAGRAPH
35 (5) OF THIS SUBSECTION;

36 (vi) a retiree of the Teachers' Retirement System who:

37 1. A. was employed as a principal within 5 years of
38 retirement; or

1 B. was employed as a principal not more than 10 years before
2 retirement and was employed in a position supervising principals in the retiree's last
3 assignment prior to retirement;

4 2. has verification of better than satisfactory performance for
5 each year as a principal and, if applicable, in a position supervising principals prior to
6 retirement;

7 3. based on the retiree's qualifications, has been hired as a
8 principal;

9 4. receives verification of better than satisfactory
10 performance each year the retiree is employed as a principal under ~~item 3 of this item~~
11 PARAGRAPH (6) OF THIS SUBSECTION; and

12 5. is not employed as a principal under ~~item 3 of this item~~
13 PARAGRAPH (6) OF THIS SUBSECTION for more than 4 years;

14 (vii) a former employee of the Domestic Relations Division of Anne
15 Arundel County Circuit Court who transfers into the State Employees' Personnel
16 System under § 2-510 of the Courts Article; or

17 (viii) a retiree of the Employees' Retirement System who is
18 reemployed on a contractual basis by the Department of Health and Mental Hygiene
19 as a health care practitioner, as defined in § 1-301 of the Health Occupations Article,
20 in:

21 1. a State residential center as defined in § 7-101 of the
22 Health - General Article;

23 2. a chronic disease center subject to Title 19, Subtitle 5 of
24 the Health - General Article;

25 3. a State facility as defined in § 10-101 of the Health -
26 General Article; or

27 4. a county board of health subject to Title 3, Subtitle 2 of the
28 Health - General Article.

29 (5) (I) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(V) OF
30 THIS SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER, SUBSTITUTE
31 CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE TEACHER MENTOR IN A
32 PUBLIC SCHOOL THAT:

33 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS AS
34 DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS
35 IMPLEMENTED BY THE STATE DEPARTMENT OF EDUCATION;

36 2. IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO
37 CHILD LEFT BEHIND ACT OF 2001; OR

1 3. PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR
2 STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR IDENTIFIED FOR
3 SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

4 (II) AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TEACH:

6 1. A CORE SUBJECT THAT HAS BEEN IDENTIFIED BY THE
7 STATE DEPARTMENT OF EDUCATION BY REGULATION AS A CRITICAL SHORTAGE
8 AREA;

9 2. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH
10 SPECIAL NEEDS; OR

11 3. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
12 PROFICIENCY.

13 (6) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(VI) OF THIS
14 SUBSECTION SHALL BE EMPLOYED AS A PRINCIPAL AT A PUBLIC SCHOOL THAT:

15 (I) IS NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED
16 UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED
17 BY THE STATE DEPARTMENT OF EDUCATION;

18 (II) IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO
19 CHILD LEFT BEHIND ACT OF 2001; OR

20 (III) PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR
21 STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR IDENTIFIED FOR
22 SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

23 (7) IF, AT THE TIME AN INDIVIDUAL IS REEMPLOYED UNDER
24 PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION AT A SCHOOL NOT MAKING
25 ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT
26 BEHIND ACT OF 2001, AND WHILE THE INDIVIDUAL IS REEMPLOYED THE SCHOOL
27 MAKES ADEQUATE YEARLY PROGRESS, THE INDIVIDUAL MAY CONTINUE TO BE
28 REEMPLOYED AT THAT SCHOOL FOR 3 YEARS FROM THE DATE THE SCHOOL FIRST
29 MADE ADEQUATE YEARLY PROGRESS AFTER THE INDIVIDUAL WAS REHIRED.

30 (8) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
31 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION
32 SHALL APPROVE THE REHIRING OF THAT INDIVIDUAL AND SHALL DETERMINE THE
33 SCHOOL WHERE THE INDIVIDUAL SHALL BE REEMPLOYED.

34 (II) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL
35 SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION:

36 1. THE NUMBER OF INDIVIDUALS REHIRED UNDER
37 PARAGRAPH (4)(V) OR (VI) OF THIS SUBSECTION;

1 (2) ~~any public school that is no longer recommended for reconstitution or~~
 2 ~~is otherwise found to meet the standards for school performance set by the State~~
 3 ~~Board of Education after reconstitution or a recommendation for reconstitution;~~

4 (3) ~~any county or subject area on a statewide basis in which the State~~
 5 ~~Board of Education finds there is a shortage of teachers; and~~

6 (4) ~~OF~~ a finding that there is no longer a shortage of teachers in a county
 7 or subject area on a statewide basis.

8 (i) In addition to any regulations adopted in accordance with § 6-202 of the
 9 Education Article, the State Board of Education shall adopt regulations concerning
 10 the employment terms of retired teachers ~~and personnel~~ described in subsection
 11 [(b)(4)(vi)] (B)(4)(V) OR (VI) of this section.

12 (j) If the retiree's last assignment prior to retirement was in a position
 13 directly supervising principals as provided under subsection (b)(4)(vi) of this section,
 14 the county boards of education shall verify for the State Retirement Agency the
 15 retiree's employment as a supervisor and a principal.

16 (k) At the request of the State Retirement Agency:

17 (1) a participating employer shall certify to the State Retirement Agency
 18 that it is not the same participating employer that employed an individual at the time
 19 of the individual's last separation from employment before the individual commenced
 20 receiving a service retirement allowance or a vested allowance; or

21 (2) a unit of State government shall certify to the State Retirement
 22 Agency that the individual was not employed by any unit of State government at the
 23 time of the individual's last separation from employment before the individual
 24 commenced receiving a service retirement allowance or a vested allowance.

25 (l) The Department of Health and Mental Hygiene shall notify the State
 26 Retirement Agency of any retirees who qualify under subsection (b)(4)(viii) of this
 27 section.

28 (M) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE
 29 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT TO THE ~~EDUCATION AND~~
 30 ~~ECONOMIC DEVELOPMENT SUBCOMMITTEE OF THE APPROPRIATIONS COMMITTEE,~~
 31 ~~THE EDUCATION, BUSINESS, AND ADMINISTRATION SUBCOMMITTEE OF THE~~
 32 ~~BUDGET AND TAXATION COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS,~~
 33 HOUSE APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND TAXATION
 34 COMMITTEE IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
 35 THAT PROVIDES:

36 (1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (B)(4)(V)
 37 AND (VI) OF THIS SECTION;

38 (2) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH RETIREE
 39 HAS BEEN REHIRED;

1 (3) THE SUBJECT MATTER THAT EACH REHIRED RETIREE IS TEACHING;
2 ~~AND~~

3 (4) ~~THE SALARIES~~ ANNUAL SALARY OF EACH REHIRED RETIREE AT THE
4 TIME OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED
5 RETIREE;

6 (5) THE NUMBER OF TEACHERS AND PRINCIPALS HIRED BY THE LOCAL
7 SCHOOL SYSTEMS THAT ARE NOT RETIREES;

8 (6) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH TEACHER
9 AND PRINCIPAL HAS BEEN HIRED;

10 (7) THE SUBJECT MATTER THAT EACH TEACHER IS TEACHING; AND

11 (8) THE ANNUAL SALARY OF EACH TEACHER AND PRINCIPAL WHO IS
12 HIRED.

13 (N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF HEALTH
14 AND MENTAL HYGIENE SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF
15 THE STATE GOVERNMENT ARTICLE TO THE HOUSE APPROPRIATIONS COMMITTEE
16 AND THE SENATE BUDGET AND TAXATION COMMITTEE THAT PROVIDES:

17 (1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (B)(4)(VIII)
18 OF THIS SECTION;

19 (2) THE ANNUAL SALARY OF EACH REHIRED RETIREE AT THE TIME OF
20 RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE;

21 (3) THE NUMBER OF NURSES HIRED WHO ARE NOT RETIREES; AND

22 (4) THE ANNUAL SALARY OF EACH NURSE WHO IS HIRED.

23 23-407.

24 (a) An individual who is receiving a service retirement allowance or a vested
25 allowance may accept employment with a participating employer on a permanent,
26 temporary, or contractual basis, if:

27 (1) the individual immediately notifies the Board of Trustees of the
28 individual's intention to accept this employment; and

29 (2) the individual specifies the compensation to be received.

30 (b) (1) The Board of Trustees shall reduce the allowance of an individual
31 who accepts employment as provided under subsection (a) of this section if:

32 (i) the individual's current employer is a participating employer
33 other than the State and is the same participating employer that employed the
34 individual at the time of the individual's last separation from employment with a

1 participating employer before the individual commenced receiving a service
2 retirement allowance or vested allowance;

3 (ii) the individual's current employer is any unit of State
4 government and the individual's employer at the time of the individual's last
5 separation from employment with the State before the individual commenced
6 receiving a service retirement allowance or vested allowance was also a unit of State
7 government; or

8 (iii) the individual becomes reemployed within 12 months of
9 receiving an early service retirement allowance or an early vested allowance
10 computed under § 23-402 of this subtitle.

11 (2) The reduction required under paragraph (1) of this subsection shall
12 equal:

13 (i) the amount by which the sum of the individual's initial annual
14 basic allowance and the individual's annual compensation exceeds the average final
15 compensation used to compute the basic allowance; or

16 (ii) for a retiree who retired under the Workforce Reduction Act
17 (Chapter 353 of the Acts of 1996), the amount by which the sum of the retiree's annual
18 compensation and the retiree's annual basic allowance at the time of retirement,
19 including the incentive provided by the Workforce Reduction Act, exceeds the average
20 final compensation used to compute the basic allowance.

21 (3) A reduction of an early service retirement allowance or an early
22 vested allowance under paragraph (1)(iii) of this subsection shall be applied only until
23 the individual has received an allowance for 12 months.

24 (4) Except for an individual whose allowance is subject to a reduction as
25 provided under paragraphs (1)(iii) and (3) of this subsection, the reduction of an
26 allowance under this subsection does not apply to:

27 (i) an individual whose average final compensation was less than
28 \$10,000 and who is reemployed on a temporary or contractual basis;

29 (ii) an individual who is serving in an elected position as an official
30 of a participating governmental unit or as a constitutional officer for a county that is
31 a participating governmental unit;

32 (iii) a retiree of the Teachers' Pension System who:

33 1. is or has been certified to teach in the State, IN ENGLISH,
34 READING, MATH, SCIENCE, A FOREIGN LANGUAGE, CIVICS AND GOVERNMENT,
35 ECONOMICS, HISTORY, GEOGRAPHY, ENGLISH AS A SECOND LANGUAGE, SPECIAL
36 EDUCATION, OR ELEMENTARY EDUCATION;

37 2. has verification of satisfactory or better performance in
38 the last assignment prior to retirement;

1 3. based on the retired teacher's qualifications, has been
2 appointed in accordance with § 4-103 of the Education Article; AND

3 4. subject to item 5 of this item is employed as:

4 A. a substitute classroom teacher or substitute teacher
5 mentor in a public school that has been recommended for reconstitution, or has been
6 reconstituted, by the State Board of Education, until the public school meets the
7 standards for school performance set by the State Board of Education;

8 B. a classroom teacher or teacher mentor in a public school
9 that has been recommended for reconstitution, or has been reconstituted, by the State
10 Board of Education, until the public school meets the standards for school
11 performance set by the State Board of Education;

12 C. a classroom teacher or teacher mentor in a county [or
13 subject area on a statewide basis] in which the State Board of Education finds that
14 there is a shortage of teachers, until the State Board of Education finds the shortage
15 no longer exists in that county or subject area on a statewide basis; [or]

16 D. a substitute classroom teacher or substitute teacher
17 mentor in a county [or subject area on a statewide basis] in which the State Board of
18 Education finds that there is a shortage of teachers, until the State Board of
19 Education finds the shortage no longer exists in that county [or subject area on a
20 statewide basis];

21 E. ~~A CLASSROOM TEACHER OR TEACHER MENTOR IN~~
22 ~~READING, MATH, SCIENCE, A FOREIGN LANGUAGE, SPECIAL EDUCATION, OR~~
23 ~~ELEMENTARY EDUCATION, IF THE STATE BOARD OF EDUCATION FINDS THAT THERE~~
24 ~~IS A SHORTAGE OF TEACHERS IN THESE SUBJECT AREAS, AND UNTIL THE STATE~~
25 ~~BOARD OF EDUCATION FINDS THE SHORTAGE NO LONGER EXISTS IN THAT SUBJECT~~
26 ~~AREA ON A STATEWIDE BASIS; OR~~

27 F. ~~A SUBSTITUTE CLASSROOM TEACHER OR SUBSTITUTE~~
28 ~~TEACHER MENTOR IN READING, MATH, SCIENCE, A FOREIGN LANGUAGE, SPECIAL~~
29 ~~EDUCATION, OR ELEMENTARY EDUCATION, IF THE STATE BOARD OF EDUCATION~~
30 ~~FINDS THAT THERE IS A SHORTAGE OF TEACHERS IN THESE SUBJECT AREAS, AND~~
31 ~~UNTIL THE STATE BOARD OF EDUCATION FINDS THE SHORTAGE NO LONGER EXISTS~~
32 ~~IN THAT SUBJECT AREA ON A STATEWIDE BASIS; and~~

33 ~~5.~~ 4. receives verification of satisfactory or better
34 performance each year the teacher is employed under ~~item 4 of this item~~ PARAGRAPH
35 (5) OF THIS SUBSECTION;

36 (iv) a retiree of the Teachers' Pension System who:

37 1. A. was employed as a principal within 5 years of
38 retirement; or

1 B. was employed as a principal not more than 10 years before
 2 retirement and was employed in a position supervising principals in the retiree's last
 3 assignment prior to retirement;

4 2. has verification of better than satisfactory performance for
 5 each year as a principal and, if applicable, in a position supervising principals prior to
 6 retirement;

7 3. based on the retiree's qualifications, has been hired as a
 8 principal;

9 4. receives verification of better than satisfactory
 10 performance each year the retiree is employed as a principal under ~~item 3 of this item~~
 11 PARAGRAPH (6) OF THIS SUBSECTION; and

12 5. is not employed as a principal under ~~item 3 of this item~~
 13 PARAGRAPH (6) OF THIS SUBSECTION for more than 4 years;

14 (v) an individual who has been retired for more than 10 years; or

15 (vi) a retiree of the Employees' Pension System who is reemployed
 16 on a contractual basis by the Department of Health and Mental Hygiene as a health
 17 care practitioner, as defined in § 1-301 of the Health Occupations Article in:

18 1. a State residential center as defined in § 7-101 of the
 19 Health - General Article;

20 2. a chronic disease center subject to Title 19, Subtitle 5 of
 21 the Health - General Article;

22 3. a State facility as defined in § 10-101 of the Health -
 23 General Article; or

24 4. a county board of health subject to Title 3, Subtitle 2 of the
 25 Health - General Article.

26 (5) (I) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(III) OF
 27 THIS SUBSECTION SHALL BE EMPLOYED AS A CLASSROOM TEACHER, SUBSTITUTE
 28 CLASSROOM TEACHER, TEACHER MENTOR, OR SUBSTITUTE TEACHER MENTOR IN A
 29 PUBLIC SCHOOL THAT:

30 1. IS NOT MAKING ADEQUATE YEARLY PROGRESS AS
 31 DEFINED UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS
 32 IMPLEMENTED BY THE STATE DEPARTMENT OF EDUCATION;

33 2. IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO
 34 CHILD LEFT BEHIND ACT OF 2001; OR

1 3. PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR
2 STUDENTS WHO HAVE BEEN EXPELLED, SUSPENDED, OR IDENTIFIED FOR
3 SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

4 (II) AN INDIVIDUAL REHIRED AT A SCHOOL DESCRIBED UNDER
5 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TEACH:

6 1. A CORE SUBJECT THAT HAS BEEN IDENTIFIED BY THE
7 STATE DEPARTMENT OF EDUCATION BY REGULATION AS A CRITICAL SHORTAGE
8 AREA;

9 2. A SPECIAL EDUCATION CLASS FOR STUDENTS WITH
10 SPECIAL NEEDS; OR

11 3. A CLASS FOR STUDENTS WITH LIMITED ENGLISH
12 PROFICIENCY.

13 (6) AN INDIVIDUAL WHO IS REHIRED UNDER PARAGRAPH (4)(IV) OF THIS
14 SUBSECTION SHALL BE EMPLOYED AS A PRINCIPAL AT A PUBLIC SCHOOL THAT:

15 (I) IS NOT MAKING ADEQUATE YEARLY PROGRESS AS DEFINED
16 UNDER THE FEDERAL NO CHILD LEFT BEHIND ACT OF 2001 AND AS IMPLEMENTED
17 BY THE STATE DEPARTMENT OF EDUCATION;

18 (II) IS RECEIVING FUNDS UNDER TITLE 1 OF THE FEDERAL NO
19 CHILD LEFT BEHIND ACT OF 2001; OR

20 (III) PROVIDES AN ALTERNATIVE EDUCATION PROGRAM FOR
21 STUDENTS WHO HAVE BEEN EXPELLED OR SUSPENDED, OR IDENTIFIED FOR
22 SUSPENSION OR EXPULSION FROM A PUBLIC SCHOOL.

23 (7) IF, AT THE TIME AN INDIVIDUAL IS REEMPLOYED UNDER
24 PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION AT A SCHOOL NOT MAKING
25 ADEQUATE YEARLY PROGRESS AS DEFINED UNDER THE FEDERAL NO CHILD LEFT
26 BEHIND ACT OF 2001, AND WHILE THE INDIVIDUAL IS REEMPLOYED THE SCHOOL
27 MAKES ADEQUATE YEARLY PROGRESS, THE INDIVIDUAL MAY CONTINUE TO BE
28 REEMPLOYED AT THAT SCHOOL FOR 3 YEARS FROM THE DATE THE SCHOOL FIRST
29 MADE ADEQUATE YEARLY PROGRESS AFTER THE INDIVIDUAL WAS REHIRED.

30 (8) (I) THE SUPERINTENDENT OF THE LOCAL SCHOOL SYSTEM
31 REHIRING AN INDIVIDUAL UNDER PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION
32 SHALL APPROVE THE REHIRING OF THAT INDIVIDUAL AND DETERMINE THE SCHOOL
33 WHERE THE INDIVIDUAL SHALL BE REEMPLOYED.

34 (II) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE LOCAL
35 SUPERINTENDENT SHALL REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION:

36 1. THE NUMBER OF INDIVIDUALS REHIRED UNDER
37 PARAGRAPH (4)(III) OR (IV) OF THIS SUBSECTION;

1 (2) ~~any public school that is no longer recommended for reconstitution or~~
 2 ~~is otherwise found to meet the standards for school performance set by the State~~
 3 ~~Board of Education after reconstitution or a recommendation for reconstitution;~~

4 (3) ~~any county or subject area on a statewide basis in which the State~~
 5 ~~Board of Education finds there is a shortage of teachers; and~~

6 (4) ~~OF~~ a finding that there is no longer a shortage of teachers in a county
 7 or subject area on a statewide basis.

8 (i) In addition to any regulations adopted in accordance with § 6-202 of the
 9 Education Article, the State Board of Education shall adopt regulations concerning
 10 the employment terms of retired teachers ~~and personnel~~ described in subsection
 11 [(b)(4)(iv)] (B)(4)(III) OR (IV) of this section.

12 (j) If the retiree's last assignment prior to retirement was in a position
 13 directly supervising principals as provided under subsection (b)(4)(iv) of this section,
 14 the county boards of education shall verify for the State Retirement Agency the
 15 retiree's employment as a supervisor and a principal.

16 (k) At the request of the State Retirement Agency:

17 (1) a participating employer shall certify to the State Retirement Agency
 18 that it is not the same participating employer that employed an individual at the time
 19 of the individual's last separation from employment before the individual commenced
 20 receiving a service retirement allowance or a vested allowance; or

21 (2) a unit of State government shall certify to the State Retirement
 22 Agency that the individual was not employed by any unit of State government at the
 23 time of the individual's last separation from employment before the individual
 24 commenced receiving a service retirement allowance or a vested allowance.

25 (l) The Department of Health and Mental Hygiene shall notify the State
 26 Retirement Agency of any retirees who qualify under subsection (b)(4)(vi) of this
 27 section.

28 (M) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE STATE
 29 SUPERINTENDENT OF SCHOOLS SHALL SUBMIT A REPORT TO THE ~~EDUCATION AND~~
 30 ~~ECONOMIC DEVELOPMENT SUBCOMMITTEE OF THE APPROPRIATIONS COMMITTEE,~~
 31 ~~THE EDUCATION, BUSINESS, AND ADMINISTRATION SUBCOMMITTEE OF THE~~
 32 ~~BUDGET AND TAXATION SUBCOMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS,~~
 33 HOUSE APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND TAXATION
 34 COMMITTEE IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,
 35 THAT PROVIDES:

36 (1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (B)(4)(III)
 37 AND (IV) OF THIS SECTION;

38 (2) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH RETIREE
 39 HAS BEEN REHIRED;

1 (3) THE SUBJECT MATTER THAT EACH REHIRED RETIREE IS TEACHING;
2 ~~AND~~

3 (4) ~~THE SALARIES~~ ANNUAL SALARY OF EACH REHIRED RETIREE AT THE
4 TIME OF RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED
5 RETIREE;

6 (5) THE NUMBER OF TEACHERS AND PRINCIPALS HIRED BY THE LOCAL
7 SCHOOL SYSTEMS WHO ARE NOT RETIREES;

8 (6) THE SCHOOL AND LOCAL SCHOOL SYSTEM WHERE EACH TEACHER
9 AND PRINCIPAL HAS BEEN HIRED;

10 (7) THE SUBJECT MATTER THAT EACH TEACHER IS TEACHING; AND

11 (8) THE ANNUAL SALARY OF EACH TEACHER AND PRINCIPAL WHO IS
12 HIRED.

13 (N) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE SECRETARY OF HEALTH
14 AND MENTAL HYGIENE SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2-1246 OF
15 THE STATE GOVERNMENT ARTICLE TO THE HOUSE APPROPRIATIONS COMMITTEE
16 AND THE SENATE BUDGET AND TAXATION COMMITTEE THAT PROVIDES:

17 (1) THE NUMBER OF REHIRED RETIREES UNDER SUBSECTION (B)(4)(VI)
18 OF THIS SECTION;

19 (2) THE ANNUAL SALARY OF EACH REHIRED RETIREE AT THE TIME OF
20 RETIREMENT AND THE CURRENT ANNUAL SALARY OF EACH REHIRED RETIREE;

21 (3) THE NUMBER OF NURSES HIRED WHO ARE NOT RETIREES; AND

22 (4) THE ANNUAL SALARY OF EACH NURSE WHO IS HIRED.

23

Chapter 518 of the Acts of 1999

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 1999. It shall remain in effect for a period of [5] 9 years and, at the end of
26 June 30, [2004] ~~2006~~ 2008, with no further action required by the General Assembly,
27 this Act shall be terminated and of no further force and effect.

28

Chapter 245 of the Acts of 2000

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2000. It shall remain effective for a period of [4] 8 years and, at the end of
31 June 30, [2004] 2008, with no further action required by the General Assembly, this
32 Act shall be abrogated and of no further force and effect.

1

Chapter 732 of the Acts of 2001

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 July 1, 2001. It shall remain effective for a period of [3] ~~5~~ 7 years and at the end of
4 June 30, [2004] ~~2006~~ 2008, with no further action required by the General Assembly,
5 this Act shall be abrogated and of no further force and effect.

6

Chapter 733 of the Acts of 2001

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2001. Section 2 of this Act shall remain effective for a period of [3] ~~5~~ 7 years
9 and, at the end of June 30, [2004] ~~2006~~ 2008, with no further action required by the
10 General Assembly, Section 2 of this Act shall be abrogated and of no further force and
11 effect.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
13 construed to apply only prospectively and may not be applied or interpreted to have
14 any effect on or application to a retiree's employment contract in effect before the
15 effective date of this Act.

16 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect July 1, 2004.